

Appln. No. 10/655,175

Attorney Docket No. 10541-1841

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-20 remain pending.

Allowable Subject Matter

The undersigned acknowledges the examiner's indication of the allowance of claims 5 – 9 and 14 - 20.

The undersigned also acknowledges the examiner's indication of the allowability of claims 10 – 13 if rewritten into independent form so as to include all of the limitations of any base and intervening claims. In view of arguments presented below, none of these claims are being rewritten into independent form at this time.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1 and 2 are again rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,296,277, to Bittinger et al. ("Bittinger"). Applicant respectfully traverses these rejections.

Claim 1 of the present application recites that the at least one hole is "separate from" said first and second end portions. In the Office Action, the examiner states that, in Bittinger, the holes 44 are "separated from" the first end portion (as defined by the examiner, this is the interior face of end plate 16) and the second end portion (as defined by the examiner, this is the exterior face of end plate

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16). It is submitted that in Bittinger the holes 44 are neither "separated from" nor "separate from" the first and second end portions.

In Bittinger, the holes 44 are formed directly in and extend through the end plate 16. The holes 44 are thus defined by portions of interior and exterior faces (the first and second end portions) of the end plate 16 and extend from the interior face to the exterior face thereof.

There are at least two possible interpretation of the claim language "separate from". Without prejudice to any other possible interpretation, one interpretation could be that this language means the holes are not part of the end portions and another interpretation could be that the holes are located a distance apart from the end portions. Since the holes 44 in Bittinger are actually defined by portions of the interior and exterior faces of the end plate 16, it is submitted that the holes 44 are not located a distance apart from the interior and exterior faces. Similarly, since the holes 44 of Bittinger are defined by portions of the interior and exterior faces of the end plate 16, they also must be considered as being part of the interior and exterior faces of the end plates. Under either interpretation, the hole structure of Bittinger is contrary to the language of claim 1, which requires the holes to be "separate from" the end portions.

In view of the above, it is submitted that claims 1 and 2 are patentably distinguishable from the cited reference and that the rejection under § 102 should be withdrawn.

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Claim Rejections - 35 U.S.C. §103(a)

Claims 3 and 4 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over Bittinger in view of Rose. Since claims 3 and 4 depend either directly or indirectly from independent claim 1, these dependent claims are allowable at least for the same reasons as claim 1. Allowance of these claims is therefore respectfully requested.

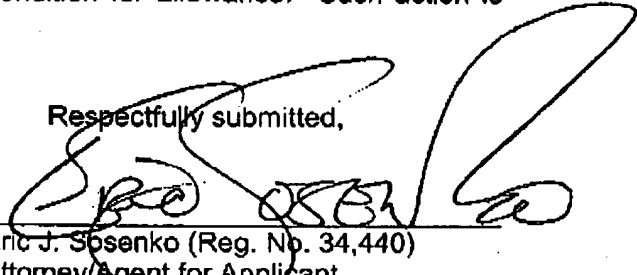
Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Attachments: None
EJS/ejs


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